

Message Text

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43

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

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SAB-01 TRSE-00 IO-10 AID-05 /073 W

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R 281118Z JUL 75

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 1260

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: PINT, PFOR, PINS, PINR, PK, AF, IN

SUBJ: NAP CASE BEFORE SUPREME COURT CONTINUES

REF: ISLAMABAD 6443

1. SUPREME COURT ADJOURNED HEARINGS IN NAP CASE UNTIL AUGUST 18 FOR PURPOSES OF SUMMER VACATION. DESPITE CHIEF JUSTICE'S HOPE THAT HEARINGS COULD BE COMPLETED BY JULY 25, PROSECUTION HAS NOT YET FINISHED ITS PRESENTATION. FURTHER WITNESSES MAY BE CALLED BY GOP, BY AMICI CURIAE (ON BEHALF OF DEFENSE) AND BY JUSTICES ON THEIR OWN INITIATIVE. THIS WILL PROBABLY DELAY JUDGMENT UNTIL OCTOBER OR LATER.

2. SINCE PRESENTATION REPORTED REFTTEL, THE CORT HAS HEARD SEVERAL INTELLIGENCE OFFICIALS (SERVING AT PROVINCIAL AND DISTRICT LEVEL) WHO WENT OVER FAMILIAR GROUNDS. NEW TO PRESECUTION'S CASE WAS TESTIMONY

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CHARGINE WALI KHAN ENGAGED IN CONSPIRACY AND SUBVERSION

WHILE IN LONDON IN 1972 (INCLUDING THE "LONDON PLAN," AN ALLEGED PLOT OF SEVERAL PROMINENT PAK POLITICIANS PLUS SHEIKH MUJIBUR REHMAN FOR THE FURTHER BREAKUP OF THE COUNTRY) AND ADVISED AZAD KASHMIRIS TO REBEL. ON BEHALF OF DEFENSE, AMICUS CURIAE SHARIFFUDDIN PIRZADA GAVE BRIEF PRESENTATION ON LEGAL MATTERS. HE ARGUED THAT LAW UNDER WHICH NAP WAS BANNED IS UNCONSTITUTIONAL BECAUSE OF UNREASONABLE RESTRAINTS ON FREEDOM OF ASSOCIATION GUARANTEED IN ARTICLE 17 OF CONSTITUTION.

3. AFTER HEARINGS WERE ADJOURNED, COURT RULED TO REJECT RENEWED APPEAL BY WALI KHAN FOR RECONSTITUTION OF COURT (REMOVAL OF TWO JUSTICES AS "INTERESTED PARTIES") AND RELEASE ON BAIL OF FIVE MAJOR DEFENDANTS. CHIEF JUSTICE HAMOODUR REHMAN IN COURT ORDER CHASTISED NAP PRESIDENT FOR DISRESPECT TO THE COURT BUT INDICATED WALI COULD RESUME HIS DEFENSE "IF HE MADE PROPER AMENDS" AND ASKS FOR NO DELAY IN PROCEEDINGS. THE COURT EARLIER HAD REFUSED TO RECOGNIZE UNITED DEMOCRATIC FRONT AS PARTY TO CASE.
LUPPI

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